

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ERIC C. YOUNGBLOOD, SR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACT. NO. 2:19-cv-1072-ECM
)	(WO)
CITY OF GEORGIANA, ALA., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Now pending before the Court is the Plaintiff's notices of interlocutory appeal (docs. 83 and 85) of the Memorandum Opinion and Order dismissing defendants Beverly Rogers and Tonya Castleberry. Plaintiff also filed two separate motions for leave to appeal *in forma pauperis* (docs. 84 and 86).

Because the Memorandum Opinion and Order from which Plaintiff appeals is not a final judgment, *see* 28 U.S.C. § 1291, and is not subject to an interlocutory appeal under 28 U.S.C. § 1292(a), the notices of appeal (docs. 83 and 85) are construed as containing motions to certify a question for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

This statute provides that

[w]hen a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, [s]he shall so state in writing in such order.

§ 1292(b) (bracket added).

For the reasons set out in the Memorandum Opinion and Order (doc. 74), the questions involved in the Plaintiff's appeals do not meet the statutory standard for certifying a question for interlocutory appeal.

Accordingly, it is

ORDERED that the Plaintiff's motions to certify a question for interlocutory appeal (docs. 83 and 85) are DENIED, and the Plaintiff's motions for leave to appeal *in forma pauperis* (docs. 84 and 86) are DENIED as moot.

DONE this 25th day of October, 2021.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE